

REMARKS

This application has been reviewed in light of the Office Action dated May 22, 2007. Claims 1-32, 37-50, and 53-97 remain pending. Claims 1, 3-5, 7, 11, 13-15, 20, 23, 26, 28, 33, 37, 41-43, 53, 55, 62, 65, 69, 71, 73, 74, 76, 79, 87, and 93 are in independent form. Claim 41 has been amended to define Applicants' invention still more clearly. Withdrawn Claims 33-36 and 98-104 have been canceled, without prejudice or disclaimer of the subject matter presented therein.

Claim 41 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,657,983 (*Surazski et al.*, hereinafter *Surazski*) in view of U.S. Patent No. 6,219,352 (*Bonomi et al.*, hereinafter *Bonomi*). Independent Claim 41 is the only remaining claim not yet allowed.

Initially, Applicants would like to thank the Examiner for the courtesies which she extended to the undersigned during the telephone interview conducted on October 25, 2007. During the interview an amendment as shown above in Claim 41 was discussed. The Examiner tentatively agreed that such an amendment would overcome at least the primary reference, *Surazski*.

Claim 41 has been amended as discussed during the interview and now recites, in part, "receiving a plurality of cells[,],...buffering cells from the plurality of cells[,],...and sending the plurality of cells, so that time misalignments between the cells are substantially removed...." (Emphasis added). Support for this amendment can be found (without limitation) in paragraphs 76 and 77 of the specification as originally filed.

As best understood by Applicants, *Surazski* fails to account for time misalignments between cells. In *Surazski's* system, a burst packet containing one or more

frames is multiplexed across a set of different time slots during sending (*see Surazski* Col. 4, lines 21-28 and Col 9., lines 60-62). *Surazski* is concerned with scheduling future time slots. In particular, *Surazski* allocates bandwidth as a number of time slots by estimating the number of data units arriving in a current schedule period and then determining the number of time slots required to transmit a burst packet encapsulating the estimated number of data units. *See Surazski*, Col. 3., lines 49-56. *Surazski* uses cell arrival time stamps to determine whether it is time to create a frame of received cells when a current scheduling period has ended (*see Surazski*, Col. 9, lines 1-11, 22-29 and 34-37, and Fig. 2). *Surazski* does not appear to consider time misalignments between cells at all, let alone sending the plurality of cells so that time misalignments between the cells are substantially removed, as recited by Claim 41 (emphasis added). To the contrary, *Surazski* appears to require sending information in separate temporal time slots in order to manage bandwidth allocation.

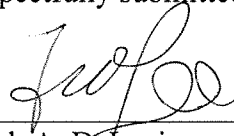
Bonomi fails to cure the deficiencies identified above with regard to *Surazski*. In particular, nothing has been found in *Bonomi* to teach or suggest “sending the plurality of cells, so that time misalignments between the cells are substantially removed...” as recited by Claim 41. (Emphasis added).

Accordingly, Applicants submit that Claim 41 is allowable over *Surazski* and *Bonomi*, whether taken separately or in any permissible combination, if any, and respectfully request withdrawal of the rejection under 35 U.S.C § 103(a).

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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